

Report of the Chief Executive

APPLICATION NUMBER:	23/00577/OUT
LOCATION:	48 Rivergreen Crescent, Bramcote Nottinghamshire, NG9 3ET
PROPOSAL:	Outline permission with some matters reserved for detached bungalow

The application is brought to the Committee at request of Councillor D K Watts.

1. Purpose of the Report

1.1 The application seeks outline permission to construct a detached single storey dwelling with all matters reserved.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

3. Executive Summary

3.1 The application seeks outline permission to construct a detached single storey dwelling with all matters reserved. An indicative plan shows the building to be located centrally on the plot and orientated with the ridge line running parallel to the public road and the access and parking area to the principal elevation at the southern end of the site.

3.2 The site consists of a triangular area of well-kept garden ground belonging to the parent property with a row of mature trees to the western boundary and a timber fence to the eastern boundary.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Climate change implications are considered within the report.

8. Background Papers:

Nil.

APPENDIX

1. Details of the application

1.1 The application seeks outline permission to construct a detached single storey dwelling with all matters reserved. An indicative plan shows the building to be located centrally on the plot and orientated with the ridge line running parallel to the public road and the access and parking area to the principal elevation at the southern end of the site

2. Site and surroundings

2.1 The site consists of a triangular area of well-kept garden ground belonging to the parent property with a row of mature trees to the western boundary.

2.2 In regards to neighbouring properties the site is located in a built up residential area of Bramcote with an adjacent neighbour to the north (105 Grangeworth Road) and also an immediate neighbour to the east (46 Rivergreen Crescent). 17 and 19 Finsbury Road are located to the east separated by the mature trees.

3. Relevant Planning History

3.1

04/00080/FUL	Replace flat roof with pitched roof over garage, utility and front of study	Conditional Permission
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4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 – Biodiversity

Part 2 Local Plan 2019

- Policy 15 - Housing Size, Mix and Choice
- Policy 17 - Place-Making, Design and Amenity
- Policy 31 – Biodiversity Assets

National Planning Policy Framework (NPPF) 2021

- Part 2 - Achieving Sustainable Development.
- Part 4 - Decision-making.
- Part 5 - Delivering a sufficient supply of homes
- Part 11 - Making effective use of land

- Part 12 - Achieving well-designed places

5. Consultations

5.1 **Councillors & Parish/Town Councils:**

- Councillor H Land – No Comments Received
- Councillor A Kingdon - No Comments Received
- Councillor D Watts - No Comments Received
- Bramcote Neighbourhood Forum - No Comments Received

5.2 **Consultees:**

- Highways – No Objection.

5.3 **Neighbours:**

- Six neighbours were consulted on the application with three objections received from neighbouring properties and eight objections received from third parties. The objections refer to the following points;
 - Loss of mature trees,
 - Increase in noise,
 - Impact on the adjacent dyke,
 - Impact on the character of the area,
 - Inadequate access and parking,
 - Impact on Highway Safety,
 - Overdevelopment,
 - Plots sizes to small,
 - Out of keeping with the area,
 - Overlooking of the existing property,
 - Over intensification,
 - Loss of sunlight,
 - Drainage,
 - Flooding,
 - Protected species.

6. Assessment

6.1 **Principle**

The principle of residential development on this site is acceptable. The main issues relating to the determination of this application are the impact on the amenity of future and existing occupiers, the impact on the character of the area.

6.2 **Design**

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the

amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

Details of a footprint and indicative location on the site have been submitted. This house is considered to be too large for the site in question and therefore the house design will need to be submitted as part of the reserved matters. The overall plot size is currently 1504m² and when it has been subdivided the proposed house plot will measure 687m². To allow a standard 20m window to window separation distance between the existing and proposed properties, a developable area remaining would measure 460m². Given this area, the shape of the site and to allow adequate space for amenity and parking areas it is considered a smaller than proposed footprint is required. Given the shape and size of the plot in question it is considered that a condition restricting the size of the house will be needed restricting the house to single storey and also a footprint not exceeding 150m².

A site plan showing an indicative position of the proposed dwelling, parking and access has been submitted and it is considered that the orientation of the property running parallel to the public road is in line with surrounding neighbouring properties and acceptable in terms of the local vernacular.

It is considered that a suitable design could be achieved through the subsequent reserved matters application to achieve a property within the site that will sit comfortably within the landscape and have no negative impact on the surrounding area.

6.3 Amenity

Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

Whilst details of the appearance, layout and scale are reserved matters, it is considered that a single storey dwelling could be accommodated on the site whilst protecting the amenity of the occupiers of adjacent properties. The majority of the properties on the west are all single storey. Given the site location as a second property within the plot it is considered that a proposal of more than single storey would create incongruous feature and would not be a suitable addition to the landscape. A condition will be added to the decision to limit the development to single storey. It is considered that a dwelling can be designed such that a good standard of amenity for the future occupiers can be achieved given the orientation and the distance between them and neighbouring properties and also the boundary treatments. Furthermore, the proposed dwelling can be designed such that overlooking of neighbouring properties is minimised by careful consideration to the siting of windows.

6.4 Access

Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

The submitted plan shows the access being created from the existing access to the parent property with the driveway created to the rear of the site by the demolition of an existing extension onto the existing house. Highways were consulted on the application and had no objection to the proposal.

The parking requirements will be assessed as part of the reserved matters but it is considered that there will be ample space within the site to accommodate the required number of parking spaces.

6.5 Landscaping

The western boundary to the site is made up of mature trees. These trees are considered to be an essential part of the proposal with providing a divide between the proposal and the neighbouring properties. Given this fact a landscaping condition will be added requiring these trees to remain as part of any future application. There are currently no protection orders on these trees and they could be removed at any time without any further consents being granted.

There is also a large willow tree located in the neighbouring property to the east of the site. This tree is in close proximity to the boundary and there is potential for damage to be caused to this tree root system dependant on where the final house location is positioned. The submitted plans show an indicative location in close proximity to the tree. However, it is considered that given the proposed condition limiting the size of any proposed house it is considered that a location in the site could be proposed which would cause minimal disruption to the root system. Again, as above there is no current protection on this tree that prevents the tree being reduced in size or removed.

6.6 Flooding

Comments have been received from neighbouring properties regarding concerns for the potential for the plot to flood. The site is not located within any designated Flood Zones and there are flood prevention measures located to the north west of the site in the form of a storm drain which was conditioned as part of the original housing scheme.

7. Conclusion

- 7.1 It is recommended that conditional planning permission be granted subject to conditions.

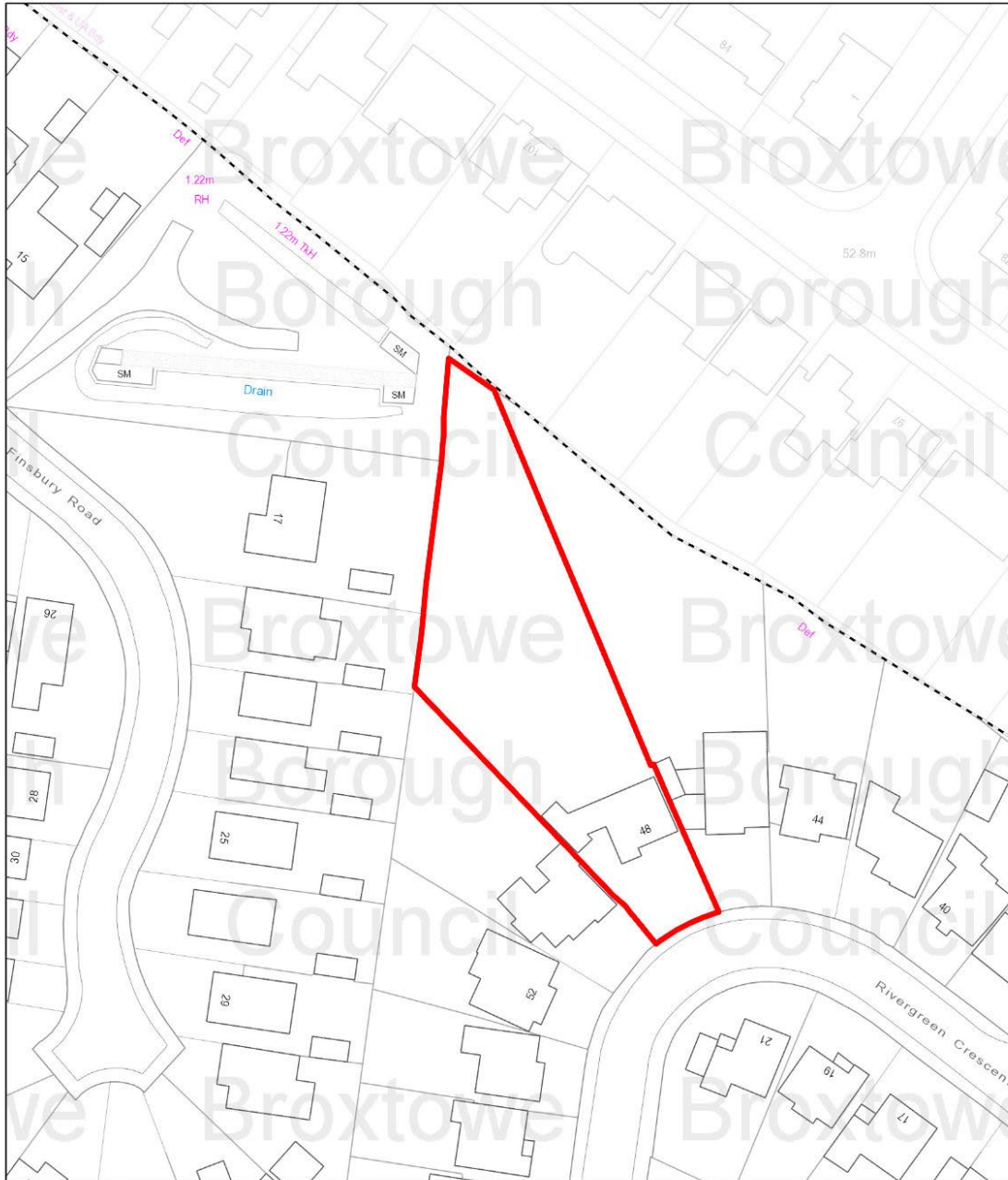
<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>This outline permission relates to the Ordnance Survey Site Plan (1:1250) received by the Local Planning Authority on 11 August 2023 and Site Layout Plan (1:500) received by the Local Planning Authority on 25 August 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>No development shall commence until all of the reserved matters below have been approved on application to the Planning Authority:</p> <ul style="list-style-type: none"> i. a detailed layout of the site of the proposed development (including site levels as existing and proposed); ii. the design and external appearance of the proposed development; iii. landscaping proposals for the site of the proposed development (including boundary treatments); iv. details of access and parking arrangements; and <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority.</i></p>

<p>5.</p>	<p>Any details pursuant to Condition four above shall show a development consisting of a single storey dwelling with a floor area not exceeding 150m².</p> <p><i>Reason: In order to ensure the development is of suitable scale and form which is in line with the character of the surrounding locality in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No trees within the application site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.</p> <p><i>Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter locality in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p>Notes to Applicant</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water.</p>

	<p>Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).</p>
<p>4.</p>	<p>As this permission relates to the creation of a new unit, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>

Map

48 Rivergreen Crescent Bramcote NG9 3ET



9/22/2023, 8:09:22 AM

 Site



Photos





Plans

